

ATTACHMENT III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

Curtis Building
6th & Walnut Streets
Philadelphia, Pennsylvania 19106

IN THE MATTER OF: : Docket No.
The City of Philadelphia : :
: : III-75-16W
PROCEEDINGS UNDER SECTION 309 : :
(a) (3) AND (a) (4), FEDERAL WATER : : FINDINGS OF VIOLATION
POLLUTION CONTROL ACT, AS AMENDED : :
(33 U.S.C. SECTIONS 1319(a) (3) : : AND
AND (a) (4) IN RE NPDES PERMIT : :
NGS. PA 0026661, PA 0026671, : : ORDER FOR COMPLIANCE
PA 0026689 : :

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency by the above-referenced statute (hereinafter the Act) and by him duly delegated to the Regional Administrator of said Agency.

Findings of Violations

1. The City of Philadelphia is a municipal corporation of the first class of the Commonwealth of Pennsylvania.
2. Mr. Carmen F. Guarino is the duly appointed Commissioner of the Water Department of the City of Philadelphia (hereinafter the Municipality).
3. The Municipality was issued a National Pollution Discharge Elimination System (NPDES) Permit on December 31, 1974, for its Northeast, Southeast and Southwest Water Pollution Control Plants pursuant to Section 402 of the Act, as amended, [33 U.S.C. 1342].
4. Each NPDES Permit required the upgrading and expansion of these plants to meet water quality standards by a specific date. The Southwest Plant must be completed by January 1, 1980; the Southeast Plant must be completed by August 1, 1980; and the Southwest Plant is to be completed by December 31, 1978.

5. On June 6, 1975, the Regional Administrator, Daniel J. Snyder, III, requested information pursuant to Section 308(a) of the Act, as amended, 33 U.S.C. 1318. The information requested, in order to allow EPA to effectively administer the Construction Grant Program, is contained in Attachment I which is present, hereto, and made a part hereof.

6. This information was to be furnished to EPA, Region III, by July 15, 1975.

7. This information was not furnished on the due date. A telephone call on this date produced no results and a telephone call on July 18, 1975, produced no results.

8. On July 21, 1975, some information was submitted. A review of the information was made at the time and it was found deficient in many areas.

9. Pursuant to Section 309(a)(4) of the Act, Officials of EPA met with Commissioner Guarino and his staff on August 5, 1975, to confer about the completion and submission of the requested information. At that conference Mr. Guarino agreed to give EPA the following information by August 19, 1975:

A. Dates for completion of preliminary plans and specifications for all construction elements for those contracts for which design memoranda will not be issued.

B. Dates for completion of final plans and specifications for all construction elements for the Northeast, Southeast and Southwest plants.

C. Dates for completion for final (as bid) plans and specifications for all construction elements for the Northeast, Southeast and Southwest plants.

for each plant from the time of the initial design phase and extending through the completion of the facilities.

- E. Dates for the completion of the Construction Management CPM for all three plants which will reflect the detailed construction schedule from the initiation of construction until the completion of the entire facilities.
- F. Projected construction in place for each construction element by quarter.

10. On August 19, 1975, Commissioner Guarino submitted a packet of additional information which he promised at the August 5, 1975, meeting to deliver by that date. None of the information contained in paragraph 9, A through F, was included in this packet.

11. In a subsequent telephone conversation with Deputy Water Commissioner Zitomer about the deficiencies, Mr. Zitomer could give no reasonable explanation.

Order

Based on the foregoing FINDINGS (and pursuant to the authority vested in the Administrator, Environmental Protection Agency, under Section 309(a)(3) of the Act, and by him delegated to the Regional Administrator, it is hereby ordered:

Terms of the Order

1. That the Commissioner of the Philadelphia Water Department shall within seven days from the date of this Order submit to Mr. Peter Wynne, Enforcement Division, Environmental Protection Agency, Region III, 2nd floor, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, the following information:

- A. Dates for completion of preliminary plans and specifications for all construction elements for those construction elements for which design memoranda will not be issued.
- B. Dates for completion of final plans and specifications for all construction elements for the Northeast, Southeast and

Southwest plants.

- C. Dates for completion for final (as bid) plans and specifications for all construction elements for the Northeast, Southeast and Southwest plants.
- D. Dates for the completion of the Critical Path Method (CPM) for each plant from the time of the initial design phase and extending through the completion of the facilities.
- E. Dates for the completion of the Construction Management CPM for all three plants which will reflect the detailed construction schedule from the initiation of construction until the completion of the entire facilities.
- F. Projected construction in place for each construction element by quarter.

/s/ Alvin R. Morris

Alvin R. Morris
Acting Regional Administrator

8/22/75

Date: _____

Copies to: Frank Hall (EG 338)
Compliance Branch
Office of Water Enforcement
Headquarters

Michael S. Alushin, Esq.
Special Assistant Attorney General
Harrisburg

James F. Wright, Executive Director
Delaware River Basin Commission
P. O. Box 360, Trenton, N.J. 08603

bcc: Robert Bos (3GC12)
Joseph A. Galda (3EN40)
Stanley L. Laskowski (3EN40)
Alvin R. Morris (3DA00)
William J. Riley (3EN30)
Stephen R. Wassersug (3EN30)
Public Affairs

3EN30 Wynne:amn:8/22/75

Concurrences: 3GC12 3EN30 3EN00 3EN40 3EN30
Bos Smith Riley *Galda Wynne*

Box *1/1* *8/22* *W. J. Riley* *W. J. Riley*
8/22/75

ATTACHMENT IV

PROJECT ELEMENTS

ELEMENT MILESTONES

A. Northeast Water Pollution Control Plant

A&E Sludge Removal
F.H.L. Interceptor
Outside Conduits
Prelim. Treat. Bldg.
Electrical Bldg.
Chlorine Facilities
Primary Sed. Tanks
Final Sed. Tanks
Oxygen Supply System
Oxygenation System
Aeration Tanks, Blowers
Scum Disposal
Sludge Thickening
Sludge Digestion
Mod. Existing Plant
Administration Bldg.
Landscaping, Roads, Misc.

1. Submit Design Memos or Initiate Design
2. Submit Preliminary Plans & Specifications
3. Submit Biddable Plans & Specifications
4. Submit Final Plans & Specifications
5. Advertise
6. Open
7. Award
8. Notice of Proceed
9. Completion

B. Southwest Water Pollution Control Plant

Cannonball House
Oxygen Supply System
Outfall Conduit
Site Preparation
Compressor Bldg.
Aeration Tanks
Final Sed. Tanks
Effluent Pump Station
Admin. Bldg., Plaza
Shop & Maintenance Bldg.
Railroad Sidings
Warehouse
Electrical Bldg.
Primary Sed. Tanks
Influent P.S.
Prelim. Treatment Bldg.
Scum Conc. Bldg.
Elevated Tank
Grit, Ash transfer Fac.
Sludge Thickener Bldg.
Sludge Disgestion Tanks
Sludge Storage Tanks
Process Computer
Sludge Force Mains
Landscaping, Roads, etc.

C. Southeast Water Pollution Control Plant

Site Preparation
Aeration Tanks
Oxygen System
Final Tanks
Effluent Pump Station
Electrical/Building
Control Instrument
Yard Piping
Mod. Existing Plant
Landscaping